

## NHMRC Australia Fellowship 569738 award to Professor Wayne Hall 2009-2013 postprint

Hall W., Babor T., Laranjeira R., Marsden J., Miller P., Obot I., *et al.* Compulsory detention in addiction treatment: response to Reitan. *Addiction* 2013; **108**: 650-51.

Therese Reitan [1] misinterprets us [2] if she thinks we claimed that the Swedish model of compulsory addiction treatment violates human rights in the same way as compulsory detention programmes for addicted individuals in countries such as China and Vietnam. Our editorial said very clearly that what occurs in the latter ‘cannot be dignified by the term of “compulsory treatment”’. She seems to share our reservations about compulsory detention that involves the imprisonment of addicted people in the absence of judicial oversight, and the provision of ‘treatment’ that consists of enforced detoxification, forced labour and physical and psychological abuse of detainees.

We mentioned Sweden's compulsory treatment programme in our editorial for two reasons. First, advocates of compulsory detention cite the Swedish and other similar models in defending their practices. Secondly, we also have concerns about compulsory addiction treatment even when it includes civil judicial review and addiction treatment is provided by health professionals, as it is in Sweden. Advocates of this type of compulsory addiction treatment have failed to demonstrate the safety and efficacy of imposing treatment on addicted individuals without their consent, even when this is conducted supposedly in the person's best interests [3].

We stand by our assertion that compulsory addiction treatment under civil law has declined and often fallen into disuse in countries that still permit it (such as Australia). Israelson & Gerdner [4] report a decline in the number of countries that permit such treatment, declines in the permitted duration of compulsory treatment and a probable decline in the numbers of people treated in this way in the 14 countries that supplied statistics on use of this type of compulsory treatment over time [4]. The small scale of compulsory treatment in countries that still permit it is one of the reasons why their evaluations (including that in Sweden) consist largely of uncontrolled observations of small numbers of patients [3].

Israelson & Gerdner [4] reported an increased use of the criminal law to coerce addicted offenders into treatment instead of imprisonment. There is reasonable quasi-experimental evidence for the effectiveness of this form of coerced addiction treatment [5, 6]. We do not accept Reitan's assertion that coerced addiction treatment is an undeclared form of compulsory addiction treatment. Fewer ethical and human rights issues are raised by legally coerced addiction treatment because it is often provided in the community, under the judicial oversight of the criminal justice system [6] and with the important difference that addicted offenders have the option of declining treatment, something that they do not have under compulsory forms of addiction treatment such as that in Sweden.

## References

1. Reitan T. Compulsory detention in addiction treatment. *Addiction* 2013; **108**: 650.
2. Hall W., Babor T., Edward G., Laranjeira R., Marsden J., Miller P. *et al.* Compulsory detention, forced detoxification and enforced labour are not ethically acceptable or effective ways to treat addiction. *Addiction* 2012; **107**: 1891–3.
3. Broadstock M., Brinson D., Weston A. The Effectiveness of Compulsory, Residential Treatment of Chronic Alcohol or Drug Addiction in Non-offenders: A Systematic Review of the Literature. University of Canterbury: Health Services Assessment Collaboration (HSAC); 2008.
4. Israelson M., Gerdner A. Compulsory commitment to care of substance misusers: international trends during 25 years. *Eur Addict Res* 2012; **18**: 302–21.
5. Aos S., Miller M., Drake E., Washington State Institute for Public Policy. Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates. Olympia, WA: Washington State Institute for Public Policy; 2006.
6. Hall W., Lucke J. Legally coerced treatment for drug using offenders: ethical and policy issues. *Crime Justice Bull* 2010; **144**: 1–12.